



#13
Dmt
1-14-23

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Confirmation No. 6107
Hiromu SUGINO : Docket No. 2001_0559A
Serial No. 09/831,622 : Group Art Unit 1646
Filed May 11, 2001 : Examiner Janet L. Andres

NOVEL PROTEIN AND UTILIZATION THEREOF

RECEIVED
DEC 19 2002
TECH CENTER 1600/2900

RESPONSE

Assistant Commissioner for Patents,
Washington, D.C.

Sir:

This is responsive to the Official Action dated November 18, 2002.

The Official Action constitutes a requirement for restriction.

Applicant's elect to prosecute the invention of Group I, claims 1-6, 15-16 and 24, with traverse.

As a representative species, the species of SEQ ID NO: 6 and claim 2 is exemplified.

The present application is a U.S. national stage under 35 USC 371 of International Application No. PCT/JP99/06275.

Accordingly, the present application is subject to unity of invention standards for application of restriction practice.

The Examiner takes the position that the inventions of Group I to Group VII are not linked to form a single general inventive concept. With respect to some inventions, the Applicant agrees. However with respect to other inventions, the Applicant respectfully disagrees.

Unity of invention is present between a protein X and a DNA sequence encoding protein X. See Example 17 of the Administrative Instructions under the PCT, page AI-60. Unity of invention is also present between methods of making protein X, and methods of using protein X.

In the instant application, the Applicant has elected the invention of Group I, claims 1-6, 15-16 and 24. These claims are directed to a protein.

Claims 7-9 are directed to a DNA encoding the protein according to the elected claims. Accordingly, unity of invention is accepted.

Claims 10-11 are directed to a recombinant vector and transformant including the DNA according to claim 7. Unity of invention is accordingly accepted.

Claim 12 is directed to a method for producing the protein according to the elected claims. Accordingly, unity of invention is accepted.

Claim 19 is directed to a method of use of the protein according to the elected claims. Accordingly, unity of invention is also accepted.

Unity of invention is well accepted between claims 1-12, 15-16, 19 and 24. Accordingly, reconsideration and examination is solicited.

Respectfully submitted,

Hiromu SUGINO

By: Warren Cheek, Jr.
Warren M. Cheek, Jr.
Registration No. 33,367
Attorney for Applicant

WMC/dlk
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
December 18, 2002